

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL J. COREY,

Plaintiff,

v.

SNOHOMISH COUNTY CORRECTIONS
BUREAU, *et al.*,

Defendants.

Case No. C16-704-JCC-JPD

REPORT AND RECOMMENDATION

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff submitted his original complaint to this Court for filing on May 16, 2016, together with an application to proceed with this action *in forma pauperis*. (*See* Dkt. 1.) Plaintiff appeared to allege in his civil rights complaint that he had been denied adequate medical treatment for an inguinal hernia while confined at the Snohomish County Jail. (*See* Dkt. 8.) Plaintiff identified the Snohomish County Corrections Bureau as the lone defendant in his complaint. (*See id.*)

On June 22, 2016, the Court granted plaintiff's application to proceed *in forma pauperis* and his complaint was filed. (Dkts. 7 and 8.) On the same date, this Court issued an Order declining to serve plaintiff's complaint and granting him leave to amend to correct certain

1 specified deficiencies. (Dkt. 9.) On July 11, 2016, plaintiff submitted an amended complaint to
2 the Court for filing. (Dkt. 10.) Plaintiff's amended complaint corrected some, but not all, of the
3 deficiencies previously identified by the Court. Thus, on July 26, 2016, this Court issued an
4 Order declining to serve plaintiff's amended complaint and granting him leave to file a second
5 amended complaint correcting the remaining deficiencies. (Dkt. 11.) A copy of that Order was
6 mailed to plaintiff at his address of record, Snohomish County Corrections. (*See id.*)

7 On August 2, 2016, the copy of the Court's Order declining to serve plaintiff's amended
8 complaint mailed to plaintiff at Snohomish County Corrections was returned by the post office
9 with a notation indicating that the mail was not deliverable because plaintiff had been released
10 from custody. (*See* Dkt. 12.) To date, plaintiff has not provided the Court with an updated
11 address.

12 Because over sixty days have passed since mail directed to plaintiff at his address of
13 record was returned by the post office, and because plaintiff has not notified the Court of his
14 current address, this action should be dismissed, without prejudice, for failure to prosecute
15 pursuant to LCR 41(b)(2). A proposed order accompanies this Report and Recommendation.

16 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
17 served upon all parties to this suit by no later than **November 2, 2016**. Failure to file objections
18 within the specified time may affect your right to appeal. Objections should be noted for
19 consideration on the District Judge's motion calendar for the third Friday after they are filed.
20 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
21 timely objections are filed, the matter will be ready for consideration by the District Judge on
22 **November 4, 2016**.

1 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
2 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
3 assigned District Judge acts on this Report and Recommendation.

4 DATED this 12th day of October, 2016.

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6 JAMES P. DONOHUE
7 Chief United States Magistrate Judge
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